

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	MB Docket No. 05-255
Competition in the Market for the	)	
Delivery of Video Programming	)	

**MOTION TO ACCEPT COMMENTS  
OF RCN TELECOM SERVICES, INC.,  
AS TIMELY FILED**

Pursuant to 47 CFR § 1.46, the undersigned counsel, on behalf of RCN Telecom Services, Inc. ("RCN"), hereby respectfully request that the Federal Communications Commission ("Commission") accept as timely RCN's Comments to the Commission in the above-captioned proceeding, filed electronically on September 20, 2005. In support thereof, we state as follows:

1. Initial comments in the above-captioned proceeding were due on September 19, 2005.
2. On that date, the undersigned counsel repeatedly attempted to electronically file RCN's Comments using the Commission's Electronic Comment Filing System ("ECFS").
3. Because the electronic filing would not go through, and no confirmation from ECFS was received, counsel e-mailed the ECFS Help Desk at 7:43 PM, attaching a copy of RCN's Comments. A copy of that e-mail, sent to ECFShelp@fcc.gov, is attached as Exhibit A.
4. On the morning of September 20, 2005, counsel was able to electronically file the Comments through ECFS.
5. Counsel contacted the Media Bureau staff person responsible for the above-captioned proceeding, and was informed that the ECFS system had, in fact, been inoperative on the evening

of September 19<sup>th</sup>. The Media Bureau staff person indicated that he did not think it would be necessary to file a Motion to Accept Comments as Timely Filed, in view of the ECFS outage.

6. On September 26, 2005, Deputy Secretary Caton spoke with counsel's secretary, and informed her that a Motion would, in fact, be required. Accordingly, counsel have prepared and are submitting this Motion.

7. No party will be prejudiced by the Commission's acceptance of RCN's Comments as timely filed, insofar as the Comments were electronically filed just one day late, this is a permit-but-disclose proceeding in which *ex parte* communications are permitted, and reply comments in this proceeding are not due until October 3, 2005.

WHEREFORE, counsel for RCN respectfully request the Commission grant this Motion to accept the comments of RCN Telecom Services, Inc., in the above-captioned proceeding as timely filed.

Respectfully submitted,

By:

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*Counsel to RCN Telecom Services, Inc.*

September 27, 2005

## **EXHIBIT A**

## Dieterich, L. Elise

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**From:** Dieterich, L. Elise  
**Sent:** Monday, September 19, 2005 7:43 PM  
**To:** 'Ecfshelp@fcc.gov'  
**Subject:** Electronic Filing Not Going Through

Dear Sir/Madam -

We have been attempting for several hours to e-file the attached document in MB Docket No. 05-255, but the filing is repeatedly hanging up on the final screen (no confirmation number received). It is unclear whether the problem is on our end, or whether there is a problem with the FCC's system. We will continue to attempt to file electronically, but wanted to alert you to the issue. Thank you,

- Elise Dieterich



RCNComments.DO  
C (97 KB)

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